

July 26, 2019

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, D.C. 20554

**Re: Procedures for the Auction of Toll Free Numbers in the 833 Code,
AU Docket No. 19-101; Toll Free Assignment Modification, WC Docket No.
17-192; Toll Free Service Access Codes, CC Docket No. 95-155**

Dear Ms. Dortch:

On July 25, 2019, Jacquelyne Flemming of AT&T, Jeb Benedict and Philip Linse of CenturyLink, Robert Morse of Verizon, and I spoke via phone with Nirali Patel, Wireline Advisor for Chairman Pai about the Draft Public Notice for the Auction of Toll Free Numbers in the 833 Code.¹ USTelecom supports the overall auction but is asking for specific relief in limited circumstances related to how RespOrgs would be required to report secondary-market transactions.² RespOrgs will generally be able to report secondary market transactions as required but for a variety of reasons, RespOrgs may be totally unaware of certain secondary market transactions, even by their own subscribers. Yet as written the RespOrg has a duty to report the secondary market transaction (of which they may be unaware) within 60 days or face a complete loss of access to the Toll Free Database, which in turn harms the RespOrg's customers and ultimately the calling public. The harshness of the penalty does not comport with the RespOrg's level of culpability if the RespOrg loses Database access for failing to report a transaction of which it had no knowledge.

Accordingly, USTelecom requests a change to paragraph 138 of the Draft PN to at least provide a RespOrg an opportunity to cure if presented with information about a secondary transaction of which it was previously unaware. Specifically, USTelecom requests the following addition to the end of paragraph 138:

“To account for circumstances in which a transaction and the parties to it may not be visible to a RespOrg, Somos shall give a RespOrg 30 days notice prior to suspending access to the Toll Free Database. We expect RespOrgs to take commercial reasonable measures, however, to collect this information on a timely basis.”

This simple change will turn this foreseeable issue into one that incents proper compliance and timely filing of required information without undue penalty to otherwise compliant parties.

¹ *Auction of Toll Free Numbers in the 833 Code et al.*, AU Docket No. 19-101 et al., Public Notice, FCCCirc 1908-06 (Draft PN).

² *Id.* at paras. 133-139.

Please contact me with any questions.

Sincerely,

_____/s/____

Mike Saperstein
Vice President, Policy & Advocacy

cc: Nirali Patel